G. R. S. IX-5]

Previous references.

Parallel

1978.

(Police)

P18

File No. 7–

Serial Nos. 57

64, 65.

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Four.

Part B for December 19

SUBJECT.

Petition from Narasimhareddi & others of Mud
Nandenhalli Taluk, praying for the grant
a license to conduct the procession of
their village deity - Bisalmaramma

S(65) To the petitioners.

No. G. 6725 Dated 9. 12.

Rejects their appeal & states the
Govt. see no reason to interfere
the orders passed by the Dist. Magist
in the matter.

No. 6726 Dated 9. 12.

Forwards copy of the above to the
Dist. Magt. Bangalore.

WD 223–GPB—20,000—14-6-20

R. S. III—1] 1918.

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 7 – 18

FILE HEADING.

Petitions from the Bangalore District

From Narasimhareddi & others, Mudenahalli, Kankanhalli Taluk

No. Petn Dated nil. Received 11. 6. 1919

Diary No. 17195 Enclos. one file Spare Copies. Serial No. 58

BRIEF ABSTRACT OF LETTER.

Prays for the grant of license to conduct the procession of their village deity — Bisilmaremma.

NOTES AND ORDERS.

T. [illegible]

A similar request made by the petitioners to the D.C. Bangalore has been refused because these and did not agree to celebrate the jatra conjointly with the residents of

NOTES—First Sheet.

17/175

G. R. S. III-2]

General and Revenue Secretariat. | Police. File No. of 1918.

Serial No.

Gabbadè an adjoining village
1) Subd for order.
SBR
20/6 — 20/6.

Red Hrd 11-7-19

2) Under what provision of law has the appeal been preferred to Govt.?
Hrd
11-7-19.

3) The petitioners have approached Govt. probably because license was refused to them by the Dist. Magte. under sections 39 & 40 of the Police Regulations subd for orders.
SBR
2/8
Hrd 9/8

5) The query is not answered. This should be dealt with in the Court section. Are such appeals entertainable by Govt. & if so how? Are appeals against orders of the Dist. Magte lies to the Chief Ch. & not to Govt. Please look up Calendar precedents & the file heading to the G.O. of 27.1.19 relating to processions.
D. M. 1/8

The Dist. Magte endorsed Shows that there are two factions on the question involving the garba.
D. M. 1/8

7) Police file 77-15 is put up & also a Spare copy of Govt. No. G. 1559-75-6081 Police 116-17-2d/27.1.1919. Police 116-17 is also put up.
SBR
18/8

SBR
19/8
Hrd 1918

2nd SBR 14/8

NOTE—Contra sheet.

Serial No.

8) ✱✱ Mysore call for a report in this matter.

7) Draft sent. 25/8

63 To The Dist Magte, Bangalore. No. dt 2 September 1919
Forwarded sl. 58 for favour of a full report

64 [illegible]

1:) As noted already on page 1 the main reason for refusing the license is that the Nandumballi people would not associate with those of the adjacent villages in the celebration.

2) Submitted for orders with reference to para 3.

3) Mr Arden (the Dt magte enclosing to be correct (vide Dt: J.). There seem to be no good reasons to interfere by appln, petrs will be informed accordingly. Submitted for orders.

III Member

15) I think the case should be referred to the member in charge of the Law Portfolio.

1364/19
30.10.19

Serial No.

8) Mr Muse call for report in the matter.

7) Draft sent. 10) Done 28/8

63 To The Dist Magte, Bangalore. No. 51 dt 2 Sept 1919. Forwards Sl. 58 for favour of a full report

64 To Dist Magte, Kolar. No. C. 3268/4 20 dt 22/24th Sept 1919

11) As noted already on page 1 the main reason for refusing the license is that the Mudumallè people would not associate with those of the adjacent villages in the celebration.

12) Submitted for orders with reference to para 10/10 13) Mr Dodd (in Dt Magte's absence) to be correct (with Dt. J.). Mere fear seem to be no good reasons to interfere & applt, petn is to be informed accordingly. Submitted for orders. 20/10

III Member

15) I think the Board should be informed before the member in charge of the Department goes on tour.

1364/30.10.19

G. R. S. 111-2]

General and Revenue Secretariat.

Pol. Confl. File No. (of 191 .

Serial No.

4956/1.11.19

4/ Submitted for ord

II Member

17) I am not satisfied that the present case
calls for a matter of this kind and
entertain appeals from the orders
the District Magistrate. In pleader 77-15
an appeal was entertained and heard
but the question was not raised
question may be examined once
a rule put up.

7/11/19

18) Please put up as note. All
the files bearing on the Q^n shd be ex

Redon 5/4

19, The facts of the Case are briefly as under:-

20) When some of the residents of Mundenahalli
Kanakanahalli Taluk, applied for the grant of a lic
to perform Kondu etc and to celebrate the Jatra
of their village Deity Bidalmaramma, some of t
residents of Gabbadi, an adjoining village
protested against the grant of a license on t
ground that, in accordance with the Mamool, t
Jatra was being Conducted by them along
the Residents of Mundenahalli and that-

NOTE—Contn. sheet.

Serial No.

of Muradenahalli would not associate with them in the Celebration. Both the parties having failed to produce former licenses, they have been told by the Police Magistrate that a license would be granted if they Consented to Celebrate the festival jointly.

2) We Can not believe that the Jatra was being Conducted without a license being granted. The records furnished now do not enable us to see what the old practice was, nor are the parties Coming forward with their respective rights.

3) It appears best, under the Circumstances, to hear the parties here and to bring about a Compromise to prevent a breach of the peace in the said village. Let the papers be returned with reference to para 18.

4) Enquiries have been held & the parties heard more than once by the local Officers with the same result viz that the parties did not agree to a reconciliation. Every time they have been told that no license will be granted unless they agree to celebrate the Jatra jointly.

5) It will be seen from the discussions in the Collections put up that no appeal lies against the order of a District Magistrate in such Cases but that Govt may receive petitions & dispose of them in the exercise of the general powers vested in them in this behalf.

6) From the records before us it is clear that the two parties in question are not likely to abide by the decisions of the District Magistrate and some interference appears to be necessary.

Put up for orders

D. 4/5

Note—Contn. sheet,

No. 394

Vide note recorded on the letter in Collection No. 1 of 1918 from the Collector of Bellary. Please collect the file bearing on the question and Continue the note.

Pol 60-10 B
175-10 D
97-11 E

G. R. S. III-2]

General and Revenue Secretariat. File No. of 191

Serial No.

1) The note required was not on the facts of the case. Please see the Members note in para 1). The Supts are mainly worked up & put up a note.

D. M. 6/8

Read

2) The note in para 2 supra deals with the point raised, viz, whether Govt can entertain appeals against the orders of the Dr Magte in such cases. The question was specifically raised and discussed in PDR 173-11 and in PDR 97-11, and the part in the latter case was informed that 'no appeal lies to Govt against the order of the Dr Magte'.

3) Printed Collection regarding the 'The Police Regulation' is also put up.

25/7

I have examined the above cases

4) Please put up more recent cases of the years 1918, 1919-1920.

D. M. 6/8

5) Except the files that are already put up, there are no more files of similar nature. One other similar case of 1917 relating to the Bangalore Dt has been sent with another file which is now before the III Member

6/8

Please see if any other relate to the same date — PDR files 56-17; PDR files 66 & 67 of 1917

6/8

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

pol File No. 7 1267 of 1918.

Serial No.

Police files 56-17, 66-17, 68-17 & 70-17 are also put up.

32) In the last-three Cases Govt have entertained appeals against the orders of the Dist Magistrates but have not, however, interfered with the decisions of the Dist Magistrates

33) Submitted with reference to note 32.

D. 7/18

34) Reference is invited to the following note of the Asst Secy & order of the Member in charge in Police File 56-17 :—

"It is submitted that there is no statutory appeal to the Govt in such cases. In the inherent power vested in them, the Govt give only directions to the magistrate."

Sd G.S. (Asst Secy) 1/11/17

"I agree. There being no statutory appeal provided in such cases, I see no need to hear the Advocates."

Sd M.K. 7/11/17 (Hon'ble Member)

Apr 7/18

35) I have put up a note on Routine Sheets (P.1-a). Marked (A) typed-3 copies.

D. M. 25/4

36) 3 Typed Copies of this note put up.

D. 26/4

Note—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

Police File No. 2 of 1918

Serial No.

5) Who typed note appd, may be sent for typed in the endorsement below. 1 copy may be kept in the branch for ready reference.

D. M. 20/8

Pol. 77 of 1915.

38) In Police file No. 77 of 1915 case, the District Magistrate had passed an order under the Police Regulation and an appeal against the said order was entertained by Government.

39) Kind reference is invited to paras 7 to 9 of the notes in the above file..

~~Pol. 160 of 1910~~

40) Para 10 of the notes shows that an Inam land is also endowed for the Gowri worship in the villages which perhaps may justify Government interference on the Muzrai side. But in Police File 160 of 1910 a doubt seems to have been entertained as regards the maintainability of an appeal to Government against the District Magistrate's order when such order is passed under the Police Regulation (Vide para 56 of the Notes).

Pol. 97 of 1911.

41) In Police File 97 of 1911 the principle seems to have been accepted that under the Police Regulation, no appeal lies to Government against the order of the District Magistrate, and the parties who had appealed were informed of this fact in the endorsement sent by Government.

NOTE—Contn. sheet.

Serial No.	
Selcct Committee's report on the Police Regulation.	(42) From the Select Committee's report on the Police Regulation and discussions on the Police Bill, it would also appear that no appeal lies to Government against the order of the District Magistrate.
Pol: 173/1910 2 Ler. 4 1 2.	(43) But the view taken by Government in Police file 173 of 1910 seems to be that Government may receive petitions and dispose of them by virtue of the general powers vested in Government, the orders passed by Government on such petitions being treated as directions to District Magistrates and not as orders issued on appeals against the decisions of the District Magistrates.
Pol. 56 of 1917. F	(44) It has again been affirmed in Police File 56 of 1917 that there is no statutory appeal against the orders of the District Magistrate and that by virtue of the inherent power vested in Government they give only directions to the Magistrates.
Pol. 66 & 68 of 1917. T Z	(45) In Police file 66 of 1917, the Government declined to interfere and in Police File 68 of 1917, the Government pointed out to the District Magistrate that his order went further than what was necessary for the case and directed that he may hear both parties and their lawyers and pass suitable orders in the light of the Chief Court Judgment in Regular Appeal No. 140 of 1916-17.
	(46) It is submitted that it will be in conformity

(10

G. R. S. III-2

General and Revenue Secretariat.

Police File No. 7 of 1918

Serial No.

with previous decisions also to hold that no appeal lies to Government against the orders of the District Magistrates under the Police Regulation which appears to be the correct view.

(7) Submitted for orders.
D Mahadewappa
2
7/9/20

III Member.

(8) It is no doubt true that there is no statutory provision for an appeal against the orders of the District Magistrate-but the ~~entertained appeal~~ has been entertained in the past both in the Judicial & Municipal Cases. The appeals ~~in the Municipal jurisdiction~~ in the latter Case are more numerous than in the former. It seems true that the Govt cannot give up the general powers & supervision which they undoubtedly possess over the executive acts & decisions of the Magistrates and in the interests of public peace and general security and tranquillity the steps which they are responsible they will have to guide & control the actions and conduct of these Magistrates. The appeals may therefore be entertained, but the

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

File No. of 19

Serial No.

1669
8.9.20

Note let me have a copy of this answer when it is to be added to the case
D.M. 8/9

1805-
6s

To Narasimharedds and others
Mudenahalli Kankanhalli T.-N.
no. Lr 6425 dt 22-9-1920

Informs that their appeal is rejected and that Govt. see no reason to interfere with the orders passed by the Dt. Magistrate in the matter.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Pot File No. ~1 of 1918.

Serial No.

To the D.M. Bangalore by no 9 6426 dt 22-9-1920. Forwards copy of the above.

Rec'd.

Copy made

Issued

Returned

Noted

Noted

Noted

13

72135

14)

GOVT. OF H. H. THE MAHARAJA
OF MYSORE

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM.

No. G 5285 Rev. BANGALORE,

26/9/19.

The accompanying Petition Registered No. 17995 dated without date received at the General and Revenue Secretariat from Narasimhareddy & others of Mudenahalli, Kankanhalli Taluk, praying for the grant of a license to conduct the procession of their village deity - Bisalamaremma

is forwarded with compliments together with its enclosures to the Dist Magte, Bangalore Distt, for favour of a full report in the matter for

By Order,

29/9

Chief

For Secretary to Government.

25/8

W. D. 1957—GPB—1,000—9-2-16

Cg 12600
14/10/19

16

Office of the District Magistrate,
Bangalore District.
Dated Bangalore, 22/24th Septr. '19

No. JC 326 of 19-20 / 6x: 1 file 10.19

6267

From

G.Aravamudu Iyengar, Esq., B.A., B.L.
District Magistrate,
Bangalore District.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.

Sir,

With reference to your official Memorandum No.G.5435/Pol. I-18-63 dated 3rd September 1919 forwarding a petition registered No.17995 without date, received from Narasimha Reddi and others of Mudenahalli, Kankanhalli Taluk, praying for the grant of a license to conduct the procession of their village deity Bisalamaramma and calling for a report in the matter, I have the honor to submit herewith the records in the case and a detailed report No.58 dated 16th September 1919 from the Amildar Magistrate of Kankanhalli Taluk, which gives a clear resume of the facts of the case. The main reason for the refusal to grant a license is the attitude of the Mudenahalli people in declining to take in the people of Gabbadi and other villages as of old.

2. The petition of Narasimha Reddi and others of Mudenahalli, Kankanhalli Taluk, received with the Memorandum under reply is also herewith retransmitted.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Bangalore District.

G. R. S. VI—G/32]

SUBJECT:— 18/9

A217

Diary No. of letter replied to 6267

Section Police

File No. 7–18

Serial No. 65

GENERAL AND REVENUE SECRETARIAT,
(Police)
, the 191

Endt No. G6725/Elecs.

Date of issue 22/9/20

Signed by Mr P.M.

To

Narasimhareddi and others, Middenahalli, Kaikanhalli Taluk

with reference to their petition without date praying for the grant of a licence to conduct the procession of their village deity Bisalamamma and others Narasimhareddi are informed that their appeal is rejected and that Govt see no reason to interfere with the orders

16)
passed by the Dist Magte.
in the matter.

2. The enclosures received
with their petition are
returned herewith.

By Order

for Chief Secy

G 6726 dt 22/9/20

Copy of the above is
forwarded with compliments
to the D.M. Bangalore.
Dist with reference to
their correspondence ending
with his letter No. J B 326 of
19-20 d/ 22/24th Sept 1919
~~acknowledging~~ the file
& enels received therewith.

B O

for Chief Secy